

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Esme Trontz	Team: Squad #7	CCRB Case #: 202005197	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 05/30/2020 11:00 PM	Location of Incident: DeKalb Avenue and Flatbush Avenue Extension; and 88th Precinct stationhouse	Precinct: 88	18 Mo. SOL 11/30/2021	EO SOL 5/4/2022	
Date/Time CV Reported Thu, 07/23/2020 2:05 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Thu, 07/23/2020 2:05 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. Officers			
2. An officer			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. PO ZAKIE KARIMZADA	13358	960745	083 PCT
2. DI William Glynn	00000	932718	081 PCT
3. PO VINCENZO CRETA	19901	962332	075 PCT
4. PO AARON HUSBANDS	04274	965752	079 PCT

Officer(s)	Allegation	Investigator Recommendation
A. An officer	Discourtesy: An officer spoke discourteously to § 87(2)(b)	
B. Officers	Force: Officers used physical force against § 87(2)(b)	
C. Officers	Force: Officers struck § 87(2)(b) with a baton.	
D. Officers	Force: Officers used physical force against § 87(2)(b)	
E. Officers	Force: Officers struck § 87(2)(b) with a baton.	
F. An officer	Force: An officer restricted § 87(2)(b)'s breathing.	
G. An officer	Force: An officer tightly handcuffed § 87(2)(b)	
H. An officer	Discourtesy: An officer spoke discourteously to Individuals.	
I. An officer	Off. Language: Officers made remarks to § 87(2)(b) based upon race.	

Case Summary

§ 87(2)(b) filed this complaint with the CCRB on July 23, 2020 via the website.

On May 30, 2021, at approximately 11:00 p.m., § 87(2)(b) and her boyfriend, § 87(2)(b) attended a protest in Downtown Brooklyn that eventually reached Flatbush Avenue Extension and DeKalb Avenue. They stopped to observe an individual who seemed to be under arrest, and an officer in a white shirt allegedly said to § 87(2)(b) “What the fuck are you doing?” (**Allegation A: Discourtesy- Word**, § 87(2)(g)). § 87(2)(b) said they were trying to watch what was happening, and the officer allegedly pushed him twice, once toward a nearby pillar and then once onto the sidewalk (**Allegation B: Physical Force- Push**, § 87(2)(g)). The officer then allegedly called § 87(2)(b) an “asshole” (**subsumed, Allegation A**). Multiple officers told § 87(2)(b) he was under arrest and hit him on his legs with their batons (**Allegation C: Force- Baton**, § 87(2)(g)). Officers then pushed both § 87(2)(b) and § 87(2)(b) toward the wall of a building near the southeast corner of the intersection (**subsumed in Allegation B, and Allegation D: Physical Force- Push**, § 87(2)(g)). § 87(2)(b) ducked under officers’ arms and extended her arms and legs to try to block § 87(2)(b) from being hit, and then an officer hit her in the head with their baton (**Allegation D: Force- Baton**, § 87(2)(g)). § 87(2)(b) was also hit in the head with a baton (**subsumed, Allegation C**). Officers pushed § 87(2)(b) to the ground, and one officer held his baton on the back of § 87(2)(b)’s neck for about one minute, restricting her breathing (**Allegation F: Force- Restricted Breathing**, § 87(2)(g)). Officers cuffed § 87(2)(b) and § 87(2)(b). An officer in a white shirt told the officer holding § 87(2)(b)’s cuffs that he needed to take them to the stationhouse, after which that officer tightened § 87(2)(b)’s cuffs (**Allegation G: Force- Handcuffs Tightened**, § 87(2)(g)). § 87(2)(b) and § 87(2)(b) then went on an MTA bus to be transported to the 88th precinct stationhouse. While they walked into the stationhouse with the other arrestees from the protest, an officer said, “Look at these assholes” (**Allegation H: Discourtesy- Word**, § 87(2)(g)). Another officer said to § 87(2)(b) “Cambodia” (**Allegation I: Offensive Language- Race**, § 87(2)(g)). § 87(2)(b) and § 87(2)(b) were released from the stationhouse with summonses for § 87(2)(b). § 87(2)(b)’s summons was received, which was prepared by Police Officer Zakie Karimzada of the 83rd Precinct (Board Review #01).

In addition to this case, the CCRB was simultaneously investigating three other cases that occurred at the same general date, time and location as this incident. One request through this case for BWC was returned negative (Board Review #02). 10 BWC videos were received for case #202005933 (Board Review #03). Three BWC requests through CCRB case #202003790 (Board Review #04), and one request through #202003881 (Board Review #05), were returned negative. Stationhouse footage from the 88th Precinct stationhouse, received through case #202003790, did not show § 87(2)(b) or § 87(2)(b) (Board Review #06). Of all these videos, § 87(2)(b) and § 87(2)(b) are only seen briefly sitting on the MTA bus after being cuffed, in the footage of Police Officer Vincenzo Creta of the 75th Precinct (Board Review #07). At the time of this report, cases #202003790, #202003881, and #202005933 were closed as officers unidentified.

Findings and Recommendations

Allegation (A) Discourtesy: An officer spoke discourteously to § 87(2)(b)

Allegation (B) Force: Officers used physical force against § 87(2)(b)

Allegation (C) Force: Officers struck § 87(2)(b) with a baton.

Allegation (D) Force: Officers used physical force against § 87(2)(b)

Allegation (E) Force: Officers struck § 87(2)(b) with a baton.

Allegation (F) Force: An officer restricted § 87(2)(b)’s breathing.

Allegation (G) Force: An officer tightly handcuffed § 87(2)(b)
Allegation (H) Discourtesy: An officer spoke discourteously to Individuals.
Allegation (I) Offensive Language: Officers made remarks to § 87(2)(b) based upon race.

Known Facts and General Description

§ 87(2)(b) was interviewed via telephone by the CCRB on August 13, 2020 (Board Review #08). She provided a follow-up telephone statement on February 5, 2021 (Board Review #09). § 87(2)(b) was interviewed via telephone by the CCRB on August 14, 2020 (Board Review #10). Police Officer Aaron Husbands of the 79th Precinct was interviewed by the CCRB on September 17, 2020 (Board Review #11). Police Officer Zakie Karimzada of the 83rd Precinct was interviewed by the CCRB on March 12, 2021 (Board Review #12). Deputy Inspector William Glynn of the 81st Precinct was interviewed on September 17, 2021 (Board Review #13).

§ 87(2)(b) s and § 87(2)(b) s accounts of the incident are largely consistent with one another, including rough descriptions of the subject officers and the sequence of major events. The couple stopped at the corner of DeKalb Avenue and Flatbush Avenue Extension to observe an individual, who § 87(2)(b) later learned was named “§ 87(2)(b) involved in a struggle with officers. An over 6’0” tall light-skinned Hispanic male in his mid to late 30s with a clean-shaven face, muscular build, and wearing a white shirt turned around and said to § 87(2)(b) “What the fuck are you doing?,” to which § 87(2)(b) replied, “We’re trying to see.” The officer pushed § 87(2)(b) twice on the chest, first into a nearby pillar and then onto the sidewalk. A group of officers ran toward § 87(2)(b) surrounded him, and hit him with their batons on his legs. § 87(2)(b) described one of the officers who hit his legs with their baton as an approximately 6’1” to 6’2” tall, 26- to 27-year-old uniformed black male in his 20s with low-cut black hair and a clean-shaven face. The first officer who cursed at § 87(2)(b) hit him on the head with his baton. Then, to try to prevent officers from hitting § 87(2)(b) § 87(2)(b) ducked under the officers’ arms and spread her arms and legs with her back to officers as she asked them to stop hitting him. An officer hit § 87(2)(b) on the head with their baton, then multiple officers tackled her by pushing her on her shoulders onto the ground. An officer placed their baton on the back of her neck for about a minute which restricted her breathing. § 87(2)(b) then voluntarily kneeled on the ground and put up his arms to allow officers to cuff him, and he and § 87(2)(b) were cuffed. § 87(2)(b) described the officer who cuffed her as a male who was slightly over 6’ tall with short dark hair and in his late 30s or early 40s who could have been Hispanic, Middle Eastern, or Southern Italian and with a heavier/average build. § 87(2)(b) believed that officer looked 27 or 28 years old and Indian or Caribbean. § 87(2)(b) stated that an officer in a white shirt told this officer to transport § 87(2)(b) and § 87(2)(b) to the stationhouse, after which the officer who cuffed § 87(2)(b) either tightened her cuffs or rattled them. § 87(2)(b) did not see an officer tighten § 87(2)(b) s cuffs.

Officers transported § 87(2)(b) and about a dozen other protesters to the 88th precinct stationhouse to be processed. As they were walking in, § 87(2)(b) heard an officer say, “Look at these assholes.” § 87(2)(b) saw two officers recording on their phones with the flash on as the prisoners walked up the steps: an approximately 6’ or taller bald black male in his late 40s and wearing a white shirt, and a slightly shorter officer who was white, wearing a blue or black uniform, and had short black or brown hair. She did not remember the officer's appearance who yelled, “Cambodia,” because she was looking down. § 87(2)(b) saw that the officer who made this statement was a Hispanic male in his late 30s wearing a dark T-shirt and pants with his badge on his belt.

§ 87(2)(b) and § 87(2)(b) were released from the stationhouse with summonses for § 87(2)(b). § 87(2)(b) s summons was prepared by Police Officer Karimzada. She was not sure whether the officer who cuffed her, and eventually allegedly tightened her handcuffs, was named

Police Officer Karimzada, but her description of this subject officer did not match Police Officer Karimzada's pedigree, as seen in his MOS photo (Board Review #14). § 87(2)(b) had a knot on his head from being hit with the baton and scrapes and cuts all along his chest and arms. He had contusions, but no visible bruises, directly above and below his knees (on the back) and on his quads. He and § 87(2)(b) went to § 87(2)(b) the next morning, where § 87(2)(b) was diagnosed with a concussion and two torn ligaments on her neck (from when she was held down). § 87(2)(b) was also receiving physical therapy at the time of her interview for the injuries sustained during the incident. § 87(2)(b) did not receive any medical treatment for his injuries.

Body-Worn Camera Footage and Other Video Evidence

The investigation submitted one request for BWC through this case which was returned negative on May 18, 2021 (Board Review #02). The investigation submitted three requests for BWC footage through case #202005933, the first of which was returned negative (Board Review #19). The second resulted in Lieutenant Vassallo's single video, and the third was returned on October 8, 2021 with 10 videos, one of which was a duplicate of Lieutenant Vassallo's video already received (Board Review #03). These videos were reviewed and determined not to show § 87(2)(b) and § 87(2)(b)'s incident. The BWC videos show dozens of officers in standard blue uniforms and helmets, along with many different male supervisors in white uniform shirts; § 87(2)(g)

The investigation submitted, through case #202003790, three separate requests to the NYPD's Legal Bureau for body-worn camera (BWC) footage pertaining to this incident, which were all returned with negative results (Board Review #04). Another request through case #202003881 was also returned negative (Board Review #05). The first request for case #202003790, which included the date, time, and location of occurrence, was returned negative after a search was conducted for commands SRG, Disorder Control, and the 70th Precinct (the initial complaint listed an incorrect location, which was in a different precinct) (Board Review #04). The second request included the name of a specific officer that was initially believed to be involved in that incident, in addition to searches from the 88th Precinct, SRG, and CRC, although the NYPD conducted the search for the incorrect date. The third request included 41 different precincts and another specific officer's name but still was returned negative.

The one request for case #202003881, which included a search for officers from the 88th precinct, nearby Brooklyn SRG commands, the time, date, and location of the incident, and the complainant's social media accounts came back negative (Board Review #05).

The investigation was unable to obtain any other relevant footage. Footage from social media and the New York Times that was allegedly taken at the same approximate time and location of the incident was reviewed, but no civilians who appeared to be § 87(2)(b) or § 87(2)(b) were seen. A request through related case #202003790 for handheld TARU footage was returned as negative on July 15, 2020 (Board Review #15). Stationhouse Footage from the lobby of the 88th Precinct stationhouse, requested through case #202003790 and received on June 30, 2020, does not show the outside of the building nor does it appear to show § 87(2)(b) and § 87(2)(b) (Board Review #06). Fieldwork conducted on July 8, 2020 found that the Long Island University building at the incident location did not have footage and the Chinese restaurant "The Wei," caddy-corner to the incident location, appeared to be shut down (Board Review #16). A phone call on June 11, 2020 found that the cameras at the Junior's Cheesecake restaurant across Flatbush Avenue Extension from the incident location pointed away from the incident (Board Review #17). A phone call on July 1, 2020 found that the 7-11 near the incident did not have exterior cameras (Board Review #18). On August 25, 2020, video footage was received through case #202003790 from the Applebee's restaurant

across DeKalb Avenue from the incident location, but the footage was from the wrong date and the correct footage had already been deleted.

NYPD Documents Reviewed

The detail rosters from Patrol Borough Brooklyn North lists officers from the following commands as being present at the protest: 75, 77, 79, 81, 83, 84, 88, 90, 94, 109, 110, 79 PDU, 81 PDU, 94 PDU, DBBX, VCS, HOT, QTS, CRD, MRS, MTS, BxTS, BTS, 207, 208, 296, HB, PSA 1-9, 541 and the Disorder Control Unit (Board Review #20). However, few of the detailed lists from each individual command include vital information such as the exact location officers were stationed and what times they were present. § 87(2)(b) provided the handwritten Criminal Court Appearance Ticket she received, which only provided the date, time, and location of the incident, along with the charge, § 87(2)(b) and the issuing officer, Police Officer Karimzada of the 83rd Precinct (Board Review #01). No information was provided on the ticket regarding Police Officer Karimzada's direct involvement in the incident. IAB was unable to provide any summons issued to § 87(2)(b) (Board Review #21). EVENT #200503027247 corresponds to a call for ambulances needed for multiple injured MOS, and some complaints by civilians, at the time and place of the incident (Board Review #22). No additional useful information is provided by the EVENT. A warrant audit for both § 87(2)(b) and § 87(2)(b) was also requested, which came back negative, even when informing Sergeant Khan of IAB that they both received summonses (Board Review #23). The prisoner pedigree card received from the 88th precinct also does not provide any additional information about the incident (Board Review #24). Police Officer Karimzada made no memo book entries on the date of the incident (Board Review #25). Police Officer Karimzada's MOS photo lists him as a 5'8" tall, 165-pound white male with black hair, brown eyes, and an average build (Board Review #14).

Concurrent Investigations

At the time of this report, IAB Group 54 had a concurrent investigation for the same time and place of occurrence that was still ongoing but did not involve § 87(2)(b) s and § 87(2)(b) s incident. The IAB investigation involved the civilian whose complaint was investigated in case #202003881. Sergeant Colavito of IAB provided during a phone call on October 1, 2021 the names of officers whose BWCs were reviewed for the IAB case, which prompted the undersigned to request those BWC videos that were received on October 8, 2021 (Board Review #26). Those videos were reviewed and found not to show any FADO allegations involving § 87(2)(b) and § 87(2)(b) they are only seen briefly in Police Officer Creta's footage, while they are sitting on the MTA bus waiting to be transported to the 88th precinct stationhouse (Board Review #07).

Ranking Officers

All officers interviewed stated that they did not know or did not remember who the highest-ranking officer on scene was. Even when detail rosters indicated the specific locations officers were assigned to, there was little guarantee that those officers would stay there. Additionally, the supervisors listed on detail rosters rarely showed a higher rank than Lieutenant. As seen at 4:32 into Lieutenant Vassallo's BWC footage, the highest-ranking officer identified at the protest was Deputy Inspector William Glynn of the 81st Precinct (Board Review #27). Deputy Inspector Glynn was interviewed by the CCRB on September 17, 2021 and did not remember any specific details about this incident nor about the rest of the protest (Board Review #13).

Officers Interviewed

Though Police Officer Karimzada wrote the summonses issued at least to § 87(2)(b) he stated in his interview that he was unfamiliar with any of the details of § 87(2)(b)'s and § 87(2)(b)'s incident (Board Review #12). He was familiar with the intersection but did not specifically remember being there on the date of the incident. He did not remember seeing or being involved in an interaction with § 87(2)(b) and/or § 87(2)(b) in which they were hit with batons and tackled to the ground before being handcuffed. He could not recall escorting anyone to the stationhouse or using his baton on either § 87(2)(b) or § 87(2)(b). He did not think he used his baton at any time and did not remember whether he had it out at any time. He did not recall placing a baton on the back of § 87(2)(b)'s neck to subdue her nor recall seeing any other officer do so. He did not recall using any force against any individuals, issuing any summonses, and being involved in any arrests. He did not recall seeing officers lined up outside of the stationhouse chanting, including one calling § 87(2)(b) "Cambodia." He did not recall whether he made this statement himself. He did not recall ever calling § 87(2)(b) an "asshole" or using any other profanities. He did not recall witnessing any other officer do so. Police Officer Aaron Husbands of the 79th Precinct was also interviewed on September 17, 2020, who did not see any civilians get arrested or in custody (Board Review #11). He did not see any officers issuing summons and he did not arrest or summons anyone himself. PO Husbands did not use force against any civilians at the location and did not see any other officer use force against any civilians at the location.

As noted, Deputy Inspector Glynn did not recognize § 87(2)(b) or § 87(2)(b) and was unfamiliar with the details of their incident (Board Review #13). While it was possible he used force on individuals on this night, including his baton, he did not specifically recall. It was possible that officers tackled some civilians but he couldn't recall; likewise, it was possible he instructed officers to escort civilians to a stationhouse but he could not specifically recall. He did not recall seeing officers hit § 87(2)(b) on the knees and legs nor did he recall seeing any officers pressing their baton on the back of § 87(2)(b)'s neck. He did not recall calling § 87(2)(b) an "asshole," nor did he recall hearing any other officer say so. He did not remember going to the 88th Precinct, though he did go to the 88th Precinct at some point during the protests.

Allegation Recitation and Disposition

Allegation (A) Discourtesy: An officer spoke discourteously to § 87(2)(b)

Allegation (B) Force: Officers used physical force against § 87(2)(b)

Allegation (C) Force: Officers struck § 87(2)(b) with a baton.

Allegation (D) Force: Officers used physical force against § 87(2)(b)

Allegation (E) Force: Officers struck § 87(2)(b) with a baton.

Allegation (F) Force: An officer restricted § 87(2)(b)'s breathing.

Allegation (G) Force: An officer tightly handcuffed § 87(2)(b)

Allegation (H) Discourtesy: An officer spoke discourteously to Individuals.

Allegation (I) Offensive Language: Officers made remarks to § 87(2)(b) based upon race.

§ 87(2)(g)

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first complaint to which § 87(2)(b) (Board Review #28) and § 87(2)(b) (Board Review #29) have been subjects.

Mediation, Civil, and Criminal Histories

- This complaint was not suitable for mediation.
- A Notice of Claim search request was filed with the NYC Office of the Comptroller on November 26, 2021 (Board Review #30). The results of the search will be included in the case file upon receipt.
- According to the Office of Court Administration (OCA), § 87(2)(b) has no history of convictions in New York City (Board Review #31). § 87(2)(b) has no history of convictions in New York City (Board Review #32). OCA does not list any other convictions.

Squad: 7

Investigator:	<u>Esme Trontz</u>	<u>Inv. Esme Trontz</u>	<u>11/26/2021</u>
	Signature	Print Title & Name	Date

Squad Leader: _____

Signature _____ Print Title & Name _____ Date _____

Manager Vanessa Rosen November 29, 2021

Reviewer: _____

_____ Signature	_____ Print Title & Name	_____ Date
--------------------	-----------------------------	---------------

